

## **The Committee on the Bill**

Order for Committee of the Whole on the Message and Papers Discharged

WEDNESDAY, March 23, 1774.

The order of the day, for the House to resolve itself into a Committee of the whole, on the Message and Papers, was discharged, and the Message together with the Papers, was referred to the Committee of the whole House, to whom the Bill for the immediate removal of the officers concerned in the collection and management of his Majesty's duties of Customs, from the town of Boston, in the Province of Massachusetts Bay, in North America; and to discontinue the landing and discharging, lading and shipping, of goods, wares, and merchandise, at the said town of Boston, or within the harbour thereof, is committed.

The House then resolved itself into a Committee of the whole, on the said Bill.

Sir Charles Whitworth took the Chair of the Committee.

### **Mr. Fuller**

Mr. Fuller said, he intended to make an alteration in the Bill, by first substituting a fine before the blocking up the port; he should therefore propose, that the words "from and after," be left out, in order to insert one of his own. He said, that Boston was a port of the greatest consequence to this country of any existing; that the Bill before them was totally unprecedented; for that the case of Edinburgh, Glasgow, and others, that had been mentioned, was not in the least similar; that the penalty of blocking up their ports was too severe for the first offence; that when the nation came to know the contents of this Bill, he was sure they would be dissatisfied with it; that the Bostonians, upon the first resistance, will tell you they will not remit the money which they owe you; that nothing but confederacies would spring up among them; that he was strongly of opinion, that this Bill could not be carried into execution without a military force; that if we sent over a small number of men, the Boston militia would immediately cut them to pieces; that if we sent over a larger number, six or 7,000, the Americans would debauch them; and that by these means we should only hurt ourselves. I would begin, said he by an amercement; nor would I wish this Bill to take place, until they had refused the payment of it. He should apprehend, that about £15,000 would make amends to the East India Company, and would in some measure be a relief to poor Malcolm (the customhouse officer, who had been tarred and feathered.) It was always a rule in law, he said, where damages are done by unknown persons, that the community should be made to pay; he therefore wished that the House would adopt the proposition he had made.

### **Mr. Herbert**

Mr. Herbert opposed the measure which Mr. Fuller proposed. He said, the proposition would by no means relieve us, but throw us into greater difficulties; the Bostonians would certainly resist the payment of the fine; that we must then have recourse to this method. The measure proposed

was still more likely to be resisted than the Bill, because the fine would be laid on all America, which would induce others to join in the opposition, who before were not concerned in it. He said, the Americans were a strange set of People, and that it was in vain to expect any degree of reasoning from them; that instead of making their claim by argument, they always chose to decide the matter by tarring and feathering; that the method now proposed in the Bill would become more a punishment by their refusal than by their compliance; that the Americans alone were the persons by whose behaviour the lenity or severity of the measure was to be proved: he therefore should agree to the Bill, in preference to the amendment proposed.

### **Lord North**

Lord North opposed the amendment. He said, however great his obligations were to the candour and public spirit of the honorable gentleman who made the motion, yet he differed much from him in the amendment proposed. His lordship observed, that though the honorable gentleman had said it was the first offence, yet upon recollection he was very sure he would not be of that opinion, as the People at Boston had begun many years ago to endeavour to throw off all obedience to this country; that, indeed, this was the first time that Parliament had proceeded to punish them. He said, I am by no means an enemy to lenient measures, but I find that resolutions of censure and warning will avail nothing; we must therefore proceed to some immediate remedy; now is our time to stand out, to defy them — to proceed with firmness, and without fear; they will never reform until we take a measure of this kind. Let this Bill produce a conviction to all America, that we are in earnest, and that we will proceed with firmness and vigour; that conviction will be lost, if they see us hesitating and doubting. It will be enough to shew that Great Britain is in earnest. The merchandise now will be landed at Marble-head, in the port of Salem, which is putting Boston about seventeen miles from the sea with respect to foreign trade. This restriction will be continued as long as they persist in their proceedings; it will operate severely or mildly against them, according to their behaviour; if they are obstinate, the measure will be severe; if not, mild. I believe that Boston will not immediately submit to a fine, nor to the intention of the present Bill, unless it comes attended with a mark of resolution and firmness that we mean to punish them, and assert our right; it is impossible to suppose but some of our own People may in some degree suffer a little, but we must compare those temporary inconveniences with the loss of that country, and its due obedience to us; they bear no comparison; and the preference must certainly be given to the latter. The honorable gentleman tells us, that the Americans will not pay their debts due to this country, unless we comply with their disposition. I believe things will remain much in the same state as they did upon a like occasion; they threatened us with the same thing if we did not repeal the Stamp Act; we repealed that Act, and they did not pay their debts. If this threat is yielded to, we may as well take no remedy at all; their threats will hold equally good to the fine proposed by the honorable gentleman, as to the operation of this Bill. I hope we every one feel, that it is the common cause of us all, and such an unanimity will go half way to their obedience to this Bill. The honorable gentleman tells us, that the Act will be a waste piece of paper, and that an army will be required to put it in execution. The good of this Act is, that four or five frigates will do the business without any military force; but if it is necessary, I should not hesitate a moment to enforce a due obedience to the laws of this country. The situation of the troops in that country has been such, that no magistrate or civil officer of the peace has been willing to call forth their strength on proper occasions; it will

become us to find out some method whereby the military force may act with effect, and without bloodshed, in endeavouring to support and maintain the authority of Great Britain; but I hope that this Act will not, in any shape, require a military force to put it in execution: the rest of the Colonies will not take fire at the proper punishment inflicted on those who have disobeyed your authority; we shall then be nearly in a situation, that all lenient measures will be at an end if they do; but if we exert ourselves now with firmness and intrepidity, it is the more likely they will submit to our authority. If the consequences of their not obeying this Act are likely to produce rebellion, those consequences belong to them, and not to us: it is not what we have brought on, but what they alone have occasioned; we are only answerable that our measures are just and equitable. Let us continue to proceed with firmness, justice, and resolution: which, if pursued, will certainly produce that due obedience and respect to the laws of this country, and the security of the trade of its People, which I so ardently wish for.

### **Mr. Gascoigne**

Mr. Gascoigne said he differed much from the proposition made by Mr. Fuller, as an amendment to the Bill, Will gentlemen consider what sort of Acts of Assembly the Bostonians have lately passed? They have sent over one law, to be approved of by his Majesty, for the raising and purchasing twelve pieces of brass cannon; these, he said, were to be produced against the present proposition of amendment. Do these proceedings look with a peaceable eye to the proposition of his honorable friend? It is not, says he, the acts of tarring and feathering only that shew their displeasure to persons who have offended them; they have other modes of punishment, which they make use of by way of argument and reason; the house of any person with whom they are displeased, they immediately daub over with excrement and tar, by which means the whole family is obliged to quit it. These People, he was afraid, would hardly ever be brought to reason; for the moment a person offered to argue, the reply was, either tarring, feathering, or daubing the house. The Bill before them now, he apprehended, would bring these tarring and feathering casuists to a little better reason; nor did he imagine that a military force would be in the least necessary: as their meetings were chiefly made up of merchants, the prescribing limitations to their trade would be the only way to bring such merchants to their senses.

### **Mr. Montague**

Mr. Montague (second son of Lord Sandwich) rose for the first time in the House. He said, that it was usual to begin by making some sort of apology to the House as a virgin orator; that he should, for the present, wave that custom, but should venture what little he had to say with as much propriety and decency as he was able. He said, he was the youngest member in the House, and therefore, might more properly lay his thoughts before the House, in order that they might hereafter be corrected by men more able, and of greater experience; and that he might at last be induced to give his vote at least rectified with some sanction of authority. He expatiated much on the load of debt which this country had incurred on obtaining America in Germany; that we had spilt the dearest and best blood we had in the attainment of it; that it had been the result and deliberation of our Councils to obtain the possession of it by any means, and at any risk whatsoever; that it had been the darling object of this country, ever since we possessed it, to cherish and nourish it as the main prop and support of the constitutional body of Great Britain;

that after all these struggles for the possession of such a jewel in the crown of this country, it would be madness, it would be folly indeed to the last extremity, were we not to pursue the most determined conduct to preserve it; the giving up that gem which we have so carefully and so diligently polished, or neglecting to enforce that due obedience, and cultivate the friendship, would be as it were an actual surrender of all our right and claim. He spoke much upon the indulgence that had been shewn to the Colonies by the mother country, and observed, that we had received nothing in return but contempt of Government. Was this filial friendship? Was this that debt of gratitude which was owing to this country? Or was this that bond of mutual connection which ought to have subsisted between the mother country and its Colonies? He said, he looked upon the unity of legislation to be as essential to the body politic, as the Deity was to religion; that the disorders abroad had entirely been owing to our weak Councils at home, and condemned much the tame, unmanly proceedings of Government towards the Americans. Those acts of the Americans call now loudly for that power and that interposition which has been so long, and with so much danger to this country withheld. Let us now proceed, and consider what it is most prudent to do in the present situation of things, rebus sic stantibus. Let us consider whether the Bill before us will not be the most proper method that can be adopted. The Bill, he said, would operate as a restorative and palliative; but if the amendment was adopted, which was proposed by the honorable member, it would indeed produce a punishment, the sting of which Great Britain would in some measure feel. He expatiated also upon gentlemen in that House, who had been clamorous against the measures of Government, with a view to make themselves popular: he termed them a faction, whose very existence had arose merely as it were from the vilest excrement of the earth. He begged pardon for having detained the House so long; as they had been so kind and indulgent to him in the attention which they shewed, he would conclude with giving his hearty approbation to the Bill, as it bore on its face those distinguishing lines which ought to be the true characteristic of every British Minister, moderation and courage.

### **Mr. Byng**

Mr. Byng. I rise, Sir, to speak my mind upon this Bill. Whatever principles I have hitherto adopted, be they right, or be they wrong, I have always adhered to; and as I live with such opinions, I hope I shall die in them. Men's characters are known after their death, and to have steadily adopted one uniform set of principles, from which I have not deviated, I hope will not be deemed factious. This Bill will prevent all importation of goods to Boston, and thereby create that association in the Americans which you have so much wished to annihilate. You are not punishing the Bostonians; you are punishing the English merchants. They, Sir, would petition this House; but they might petition it in vain. I am against both the amendment and the Bill itself; I therefore propose, that after the words, "not to import goods," the words "except of British merchants," be inserted.

Mr. Stanley said, that the place where trade and merchandise could not be landed in safety was not a port; it was therefore proper that some other port should be found out where the subjects of this country might land their merchandise in safety. I think, said he, the Bill which is now before you, as far as it can convey punishment will be unavoidable; something must be done; an immediate remedy must be had, and I think, none can be adopted so free from objection as the Bill before you.

### **Mr. Dempster**

Mr. Dempster said, that he knew of no Act to which he gave his hearty consent in a more willing manner than to that which was for the repeal of the Stamp Act; he said, our disorders had arisen from our attempts to tax the Americans by that odious Act; he was very sure the destruction of America would be certain if we should offer to tax it. Have we not, said he, given an extent of power to His Majesty, to prevent the port of Boston from ever being reinstated if the King should think proper? What limit or line is drawn to define when it will be proper, right, and just, that the port of Boston should be reinstated? He said, the dignity of Parliament was by no means concerned in the disputes with our Colonies; and that we should treat them as our children, nourish and protect them.

### **Lord North**

Lord North rose to explain. When he mentioned the threats of Boston were not to be depended upon at the repeal of the Stamp Act, he said, he did not mean to rip up wantonly the mention of the repealing the Stamp Act; that he begged to be understood in that light, only to shew, that the threats of Boston, at that time, in not paying their debts, unless the Stamp Act was repealed, were not always to be depended upon.

### **Mr. Ward**

Mr. Ward said, he was surprised to hear that we were not now to tax America; that he was equally surprised not to find that unanimity which he expected upon the present Bill; that he himself was much against the repeal of the Stamp Act; that he had presented four petitions from his Constituents in favour of the repeal, but, that he, at the same time, told them he must be against them. He approved, he said, of this Bill, because there was no other resource left; that we were drove to the wall. He disapproved, he said, of the amendment.

### **Mr. Jenkinson**

Mr. Jenkinson. I think Great Britain right; I commend much the measure of the Stamp Act, and, as the honorable gentleman, (Mr. Grenville,) who was the author of that Act, has been much praised and commended for another Bill, (the Election Bill,) I beg leave to throw in my hearty approbation of my honorable friend for the Stamp Act. What, said he, is to become of all your trade, if the proceedings of the Bostonians are to become a precedent to the rest of the Colonies; we have gone into a very expensive war for the attainment of America: the struggle we shall now have to keep it, will be but of little expense.

### **General Conway**

General Conway observed, that the right honorable gentleman who spoke last, had spoken with some degree of warmth, which the present debate, he apprehended, did not at all call for. I will just say one very short word, he said, in favour of the Bill. I am particularly happy in the mode of punishment that is adopted in it, but I disclaim any thing in the debate that tends to call up old

sores, or create anger. I was much for the repeal of the Stamp Act, and am not ashamed to own it; nor do I think that that measure was the reason of these disorders.

Mr. R. Fuller said, we all agree, that the Bostonians ought to be punished, but we diner in the mode of it. He did not insist any farther.

### **The Bill Read**

The debate ended, and the blanks were filled up in the Bill. It was then read.

#### **Mr. Charles Fox**

On the question upon the clause, which vests the power in the Crown to restore the port, Mr. Charles Fox said, he should give it his negative, as it was trusting the Crown with that power which Parliament were afraid to trust themselves with; and if he did not succeed in his negative to this clause, he should object to the clause following, which seemed to militate against the measure adopted in this, as a restraint was then laid upon the Crown until the East India Company were made satisfaction. This Bill, he said, was calculated for three purposes; the first for securing the trade, the second for punishing the Bostonians, and the third for satisfaction to the East India Company. He said, the first clause did not give a true and exact distinction by what means, and at what period, the Crown was to exercise that power vested in it; he thought that application for relief should come to Parliament only, and that the power of such relief should not be lodged in the Crown. The quarrel, he said, was with Parliament, and Parliament was the proper power to end it; not that, said he, (in a kind of sneer) there is any reason to distrust his Majesty's Ministers, that they will not restore the port when it shall be proper; but I want to hear the reason why this clause should be so left in the judgment of the Crown, and the next clause should be so particularly granted, with such a guard upon his Majesty, to prevent him from restoring the port until the East India Company shall be fully satisfied.

#### **Captain Phipps**

Captain Phipps said, that nothing surely was so proper as to allow the Crown that power which always had been attributed to it, that of mercy; his Majesty cannot deprive the People of a port without the leave of Parliament, but he may certainly give one; as to the power being lodged in the Crown, of restoring the port upon proper contrition, it is highly proper, and not in Parliament, for Parliament may not be sitting at the time when the trade of Boston ought to be restored; that power which has a right to give a port, has also a power of appointing quays and wharfs; if the power was not lodged in the Crown, quays and wharfs might be made at places totally inconvenient to the customhouse officers, and thereby prevent the collection of his Majesty's revenue.

#### **Lord North**

Lord North. The test of the Bostonians will not be the indemnification of the East India Company alone, it will remain in the breast of the King, not to restore the port until peace and obedience

shall be observed in the port of Boston. I am ready to admit a clause to secure those wharfs and quays which are now in use, to be the same when the port shall be restored. He observed, he had been charged with changing his opinion; that the declaration which he had made tended chiefly to the punishment of the Bostonians, and that the Bill particularly adhered to the views of making the India Company satisfaction. He believed the House would do him the justice to say, that he had declared both those measures to be his intention at the first setting out of the business, as well as to restore the trade to a proper footing; that he hoped he had never deviated from them, notwithstanding what the honorable gentleman, (Mr. Fox) had charged him with; that he should never be ashamed, at any time, to give up his opinion upon good grounds; it would be the height of obstinacy not to do it, when he saw any good reasons to guide his opinion to better judgment.

### **Mr. Van**

Mr. Van said, he agreed to the flagitiousness of the offence in the Americans, and therefore was of opinion, that the town of Boston ought to be knocked about their ears, and destroyed. Delenda est Carthago: said he, I am of opinion you will never meet with that proper obedience to the laws of this country, until you have destroyed that nest of locusts.

### **Colonel Barré**

Colonel Barré said, he had very little thoughts of troubling the Committee upon this clause, but for an expression which fell from an honorable gentleman under the gallery, delenda est Carthago. I should not have risen, said he, had it not been for those words. The Bill before you is the first vengeful step that you have taken. We ought to go coolly to this business, and not trouble our heads with who passed, or who repealed the Stamp Act, or other taxes. We are to proceed rebus sic stantibus. The proposition made ye I thought a moderate one, though I must confess I hate the word fine; it is a tax, and as long as I sit here among you, I will oppose the taxing of America. This Bill, I am afraid, draws in the fatal doctrine of submitting to taxation; it is also a doubt by this Bill, whether the port is to be restored to its full extent. Keep your hands out of the pockets of the Americans, and they will be obedient subjects. I have not a doubt, but a very small part of our strength will, at any time, overpower them. I think this Bill a moderate one; but I augur that the next proposition will be a black one. You have not a loom nor an anvil but what is stamped with America; it is the main prop of your trade. Parliament may fancy that they have rights in theory, which I will answer for, they can never reduce to practice. America employs all your workmen here: nourish and protect it, that they may be supported.

### **Orders on the Bill**

The clause objected to by Mr. Charles Fox, passed in the Affirmative without any division, but one or two negatives being given against it.

The Committee then rose.

Sir Charles Whitworth reported from the Committee, that they had gone through the Bill, and made several amendments thereunto.

The amendments were agreed to by the House; and several amendments were made by the House to the Bill.

Ordered, That the Bill with the amendments be engrossed.

Ordered, That the said Bill be read the third time, tomorrow morning, if the said Bill shall be then engrossed.

Source: [\*\*American Archives: Documents of the American Revolution\*\*](#)